

Daily Democrat.

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The Right of Secession.

Blackwood's Magazine turns up an advocate of this right. We have some toleration for its advocates, for the right of secession is a pet theory of our own race. A voluntary association of States, held together by mutual friendship and interest, with no coercion, was a charming spectacle, and a plausible consideration of policy commended it. No State could fear an insupportable oppression, for the remedy was in its hands; hence no secession could really take place. Its exercise would be at least until the evil to be escaped.

It is an error to say that this is a Constitutional right. The Constitution has nothing to do with it. The point is, that the States did not surrender the right to resume the powers granted to the Federal Government, or to free themselves from the restraints imposed upon them by the Federal Constitution.

To fortify this position, it is said that New York and Virginia expressly reserved the right in adopting the Federal Constitution. This last is plainly an error; they made no such reservation. The Constitution was adopted by those States without reservation and for ever. What has been quoted to the contrary is a mere outside assertion of the right of revolution, as it is affirmed in the declaration of independence.

It is an error to affirm that the powers granted away can be resumed; that the power to resume by the States is not surrendered in the Federal Constitution.

Read the following clause: "This Constitution, and the laws made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

There is a plain surrender of the power of the States to get away from the Constitution, laws and treaties of the United States.

We say it is impossible to avoid the plain language. The States did surrender the power to resume any power granted away by the Constitution, or to throw off any restriction they imposed on themselves in the institution.

It is idle to tell us that a State convention can pass an ordinance nullifying this power of the Constitution and laws of the United States. An ordinance is only a part of the organic law or Constitution of a State, and anything in it does not exclude this provision of the Federal Constitution.

Let us look at the absurdities that this theory would lead to in practice. Under the Constitution has grown up vast internal rights vested by generations. This the framers of our Government could not tell to reverse. Is it not marvelous that they could make no provision for a contemplated contingency; that they should leave provisions to adjust the rights of the people? This is certainly the grossest oversight that a body of men could have committed.

The framers of the Constitution provided complete form of Government with all its checks and balances. They provided two houses of Congress; and that a bill to become law must pass the order of both bodies; providing, too, that these bodies shall be chosen in different ways. Then a President, chosen in a different way from either House, was given veto power to arrest hasty, or improvident, or unconstitutional legislation. In addition to all these safeguards, a judiciary is provided to revise any law of Congress and nullify it if it is unconstitutional. What is the use of all this protection if a State can at any time protect itself by a withdrawal from the Union? One body was enough for a mere league. There was one body only under the articles of confederation. All the rest is but cumbersome, ridiculous machinery. What do we want with such means to protect constitutional rights when each State has full power to protect itself?

In the debates on the adoption of the Constitution by the States, the objectors dwelt on the dangers of centralization. How easy could its friends have replied, that if a State did not like it at any time, it could leave at discretion. This would have been a conclusive reply to all the objections that were made. Nobody made such a reply, nor was it noticed at all that this was an experiment to be continued at the discretion of the parties. Certainly our fathers had no idea of such a theory.

The States proposed several amendments, which were adopted; one was careful to state that the powers not granted to the Federal Government were reserved to the States &c. What was the use of it, indeed, had could resume it at pleasure? Other amendments were adopted to guard carefully important rights in the States, by restricting positively the powers of this Federal Government. Why all this ridiculous care to guard against power that they could at any time at discretion escape from?

If this right of secession be a State right, its exercise is at a State's discretion, and the manner of it is also at a State's discretion. There is no restraint upon it. A State may go out of the Union by a convention, by an act of her Legislature, or by the proclamation of her Governor, or by nullifying a law of the United States. We ought to have a tribunal to decide when a State was in the Union and when out of it. Perhaps a State might find itself out without knowing it.

Finally, the whole conduct of this Federal Government and of our people has been ridiculous. If this theory be correct, our States have certainly not understood what they were about. We have been acquiring territory, at vast expense of treasure and blood, and admitting States out of it, as we thought, into the Union; but, in

fact, we have been making little independent nations, who can at any time set up for themselves and scorn their benefactors. The advocates of the theory have been ready to purchase Cuba for two hundred millions, when, according to their theory, Cuba could next day set up for independence, and sell themselves to some other power.

Even now, in the hour of battle, a State might withdraw her troops from the field, in the face of the enemy, and sacrifice her allies, by her sovereign right to secede at her own discretion.

It is marvelous that a magazine of the conservative sort, tenacious of the Divine right almost of Governments, should allow itself to be misled by a theory so contrary to its own position.

So!—It has been stated, we think, that the Indian outbreak and massacre of women and children in Minnesota was the indirect if not the positive work of the rebel leaders. Monstrous as this assertion is, it is true by their own confession. The proof is in the following paragraph, which we cut from the Richmond Dispatch, of the 24th ult.:

As We Expected.—The Yankees are about to send their army, captured at Harper's Ferry, against the Indians. Has the Government no means of retaliating for such a breach of faith?

The Richmond Dispatch has said a great many silly things, and this may be one of them. Still these rebels have employed savages in this war. If they have armed the savage on the frontier to murder and destroy, in Indian style, they have added the last blow to their crimes.

We learn that a rebel force of 8,000 men was at Harpersville, on the Shelbyville and Lexington turnpike, Thursday. All the rebels that were at Shelbyville joined this force, and are supposed to be led by Stevenson, who commanded the rebel forces at Cumberland Gap. It is also reported that Gen. Bragg is in Lexington, though his forces are not with him.

Let all the people obey the Constitution," says a contemporary. Well, let them obey if they will; make them obey if they will not. Let Abraham Lincoln set a better example of obedience to it than he has done lately.

EXTRAORDINARY PENETRATION OF ARMOR PLATES.—During the past week we have had a constant succession of visitors calling on our office to see some iron plates penetrated by a steel bolt which was driven through the plates by being discharged from a gun; and a great deal of wonder has been excited by the exhibition. There are twelve plates of boiler iron, each three-eighths of an inch in thickness, all pinned together by a bolt a little less than half an inch in diameter. The bolt weighs 7½ lbs., and was fired from a gun of 42½-in. diameter, with 24 lbs. of powder. A similar bolt from the same gun passed through two plates, each 2½ inches in thickness. These plates still remain on the desk at our office, and may be seen by any one interested in such matters.

We have a full description of the gun by which this extraordinary penetration was produced, but out of consideration for the interests of the naval service we refrain from publishing it at the present time.—*Scientific American.*

AMMUNITION.—Some idea of the amount of ammunition required to supply an army such as Gen. McClellan's, during a heavy fight like that of Wednesday, may be gained from the fact that thirty-eight tons of ammunition were forwarded to Gen. McClellan from Washington, via Baltimore, Harpersburg and Hagerstown. An eye-witness of the battle states that he counted, at four different times during the day, the number of discharges from the Union artillery, and found that they were made at the rate of seventy-eight to the minute.

TRIBUTE TO THE REBEL CONGRESS.—The question of State rights is again before the Confederate Congress. It seems the representatives from Georgia strongly protest against the power assumed by Jeff. Davis to draft troops outside the machinery of the State Governments, and at their instance the conscription act just passed, calling into the field men between the ages of thirty-five and forty-five, permits the Governors and State authorities to organize the new levies.

A BROTHER OF MRS. LINCOLN IN CONGRESS.—J. S. B. Todd, who has been elected Delegate in Congress from the new Territory of Dacotah, is a brother of Mrs. Lincoln, and a graduate of West Point in 1837. He resigned his position in the army a few years ago, and took up a residence in Dacotah, from which territory he was appointed a Brigadier General of Volunteers on the 19th of September, 1861. He has been most of the time, and we believe is now, in command in Northern Missouri. Wm. Jayne, brother-in-law of Senator Trumbull, was the opposing Union candidate.

ARE THE INDIANS ALLIES OF THE REBELS?—The Richmond Dispatch, of Sept. 23, says: "The Yankees are about to send their army against the Indians. Has the Government no means of retaliating for such a breach of faith?"

This would seem to confirm the charge that the Indians are in league with the rebels, for, unless they are their allies, the rebel Government would have no right to adopt retaliatory measures.

A New York paper thinks the prospects of the fashionable season are far from encouraging to the worthy *paterfamilias* who have to foot the bills. There is no symptom of retrenchment on the part of the ladies and their oracles, the milliners. While the materials of which dresses are made are higher in price than ever before, the demands of fashion require an inordinate amount of material for each dress.

A good many skeddaddlers went to Havana to avoid the draft, and are now in a heap of trouble from the danger of a still more fatal enemy, the yellow fever. The men who are so cowardly as to run away are just the ones who are sure to die from Yellow Jack.

The Chicago Times, of the 23d, says that the mammoth steamship *Vanderbilt* is being converted into a vessel of war. When metamorphosed she will prove a troublesome customer to the rebels or any other parties engaged in hostilities with the Union.

Fate Morgan was recently observed in England, at Wexham, where phantom vessels were seen under full sail and steamers suspended in mid-air. The vessel was a "ghost ship," and the crew were "ghosts" of the "Orpheus C. Kerr," of the *Sunday Mercury*. The lady finished an engagement at the Bowery Theater this evening.—*New York letter.*

An English Opinion of Our Navy.

The London Daily News copies the elaborate account of the growth and present condition of the United States navy which appeared some weeks since in the columns of the Evening Post, and prefaces it with the following commendatory notice to the energy of our Navy Department:

"Bursting as the rebel war did upon the United States, when the Government was utterly unprepared with officers and organization for so large a war, the navy, however, since put together and brought into action at such long distances would have commanded the respect of Wellington, or of the first Bonaparte. Troops, hastily drilled, could only be hurried into the field, armed with smooth-bore and such other weapons as could be collected together; for there has been little time to judge of new inventions, or to get up large manufactures for them. But compare the time in which the Federal Government has got out and the nation ironclad vessels under extreme difficulties with the time taken by our Government to get out the like materials of war, with all the ready-made facilities for manufacture on a large scale possessed by this country, and you have before you a contrast which, in forty-nine, whilst we have only fifteen."

The comparisons made in the concluding passages of this extract between the rapidity of our naval work and the slowness of the English, might be carried one step further. England, as yet, has achieved no results with her iron-plated vessels, while our Monitors and the iron-clad craft of the Mississippi have given striking evidence of their power. The *Albatross* has yet to put his iron navy to the test of actual warfare.—*N. Y. Post.*

BEATING THE REBELS.—The failure to bag the rebels is thus humorously discussed by the Journal of Commerce: "A cockney sportsman is fond of talking about bagging game, and at least a hundred radical cockneys, who never saw a battle-field, and never will see one, whether they could bag or not, are at it with the latest number being in the first place brought into a solid mass and requested to keep still while the evolutions were going forward, and as soon as the square was formed, why then the cockney was bagged—'you perceive, they could bag it, and so we can bag the rebels.'"

There was a general expression of disgust with the coldness and positive grief which pervaded the radical ranks on Saturday. Instead of rejoicing, they were manifestly "set back six months."

CRITICISM ON THE GOVERNMENT'S CONVENTION.—The proceedings of the Government Convention at Altoona and Washington is at this moment the object of criticism and even of ridicule among political men of all parties. They are thought to be a waste of time and money, and a source of irritation to the people. The convention is thought to be a waste of time and money, and a source of irritation to the people.

STREET HANDS.—\$240, for work from 1st to 18th of September.
J. O. Sullivan, \$123.60, for repairs to pump to October 1st.
W. H. Harvey, \$142.82, for clerk's fees to September 1862.
J. M. Buchanan, \$18, for fees as Coroner to August 31, 1862.

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BOARD OF COMMON COUNCIL.

THURSDAY EVENING, OCT. 2, 1862.

Present—G. W. Ronald, President, and all the members, except Messrs. Herbert, Kirtick, and Kinkaid.

The reading of the journal of the previous session was dispensed with.

A message was read from the Mayor, asking that Thos. McElvogue be reinstated as policeman, when, on motion of Mr. Baxter, he was confirmed as policeman.

The City Engineer recommended the removal of the coal scales from the wharf at First street, which was referred to the Board of Aldermen to report on.

The Engineer recommended the laying of gas mains in First street, from Main to Water, when, on motion of Mr. Guy, a resolution was adopted directing same, and authorizing the erection of gas supports.

The report of the Street Inspector from the 4th to 10th of September, were referred to Committee on Streets.

A claim of \$6,042.26, in favor of the Gas Company, for gaslights to October 1, was referred to Committee on Gas and Water.

A claim of \$22, in favor of Mr. E. Baxter, for whitewashing market-house Nos. 1 and 2, was referred to Committee on Public Works.

A claim of \$11, in favor of German & Butler, printing receipt book, was referred to the Committee on Finance.

The report of the Wharfmaster to September 27th, was referred to Committee on Wharf.

CLAIMS ALLOWED.
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Mr. Grainger reported a resolution allowing Amos, Cochran & Co. to erect platform scales on Tenth street, under the supervision of the City Engineer, which was adopted.

Mr. Grainger, from Street Committee of the 4th ward, reported an ordinance from the Board of Aldermen to repair and rebur the unpaved portions of the sidewalk on both sides of Walnut, from Seventh to Eighth streets, which was read once, rule suspended, and passed by the following vote: Yeas—Messrs. Caruth, Grainger and Guy—3.

Yeas—President Ronald, and Messrs. Armstrong, Baxter, Crow, Irvine, Jefferson, Kaye, Rubel, Spaulding, Story, Tompsett, Tucker and Twyman—13.

Yeas—Messrs. Caruth, Grainger and Guy—3.

Mr. Grainger, from same, reported a resolution from the Board of Aldermen, directing the Mayor to contract for extending the sewer from Sixteenth street from the Board of Aldermen to repair and rebur the unpaved portions of the sidewalk on both sides of Walnut, from Seventh to Eighth streets, which was read once, rule suspended, and passed by the following vote: Yeas—Messrs. Shaw, Baxter, Caruth, Crow, Grainger, Guy, Jefferson, Kaye, Spaulding, Tompsett and Twyman—11.

Yeas—Messrs. Armstrong, Irvine, Rubel, Rosen and Twyman—5.

Mr. Tucker presented a resolution directing the Engineer to commence bowldering Market street, from Floyd to Preston, so soon as he gives out the contract, which was adopted.

Mr. Baxter, from Police Committee, reported a resolution from the Board of Aldermen allowing John Marks \$4 50, and Ben. Ewing \$18 for police service in July, which was referred to Committee on Police.

Mr. Story, from Committee on Contracts, reported a contract executed by P. Hader, to dig and wall a well on Montgomery and Walnut streets, which was approved.

Mr. Shaw, from Committee on Elections, reported a resolution from the Board of Aldermen ordering an election for School Trustees Seventh Ward, September 27, in place of Richard Cox, resigned, which was amended to October 18, and adopted as amended.

Mr. Jefferson, from Committee on Public Printing, reported a resolution to have printed and bound one hundred copies of the charter and ordinances to disman Mr. Ross and all others who have claimed foreign protection, which was adopted and a report from same committee was ordered to be published, and is as follows, viz:

List of persons who have filed proof in the Jefferson County Court claiming exemption from military duty, viz:

Chas. H. Christian, 29 years of age, 5 feet 8½ inches high, light hair and blue eyes, has a scar on upper lip, and a shot wound in left hand. Subject of Great Britain.

Nicholas Brink Taylor, 37 years of age, 6 feet 1 inch high, black hair and brown eyes, and a scar on right eyebrow. Subject of Great Britain.

Joseph W. Berson, 40 years of age, about 5 feet 10 inches high, weighs 160 pounds, blue eyes, dark hair and whiskers; scar produced by a shot through the left arm, also scar on the left forearm. Subject of Great Britain.

Henry P. Bradshaw, 20 years of age, 5 feet 8½ inches high, brown hair and hazel eyes. Subject of Great Britain.

John A. Orr, 29 years of age, 5 feet 9 inches high, black hair, blue eyes. Subject of Great Britain.

William Gellatly, 30 years of age, 5 feet 9 inches high, stoutly built, brown hair and eyes. Subject of Great Britain.

Henry Taylor, 31 years of age, 6 feet 2 inches high, stoutly built, black hair and light eyes. Subject of Great Britain.

Theophilus J. Poole, 25 years of age, 5 feet 4 inches high, slightly built, Auburn hair, blue eyes. Subject of Great Britain.

Jas. T. Taylor, 20 years of age, 5 feet 8 inches high, stoutly built, brown hair and eyes. Subject of Great Britain.

Lois G. Leachman, 29 years of age, 5 feet 6 inches high, slightly built, dark hair, blue eyes. Subject of Great Britain.

Arthur Bland 35 years of age, 5 feet 11 inches high, black hair, black eyes. Subject of Great Britain.

William S. Benfield, 13 years of age, 5 feet 10½ inches high, dark hair, blue eyes. Subject of Great Britain.

George Walker, 34 years of age, 5 feet 7 inches high, light hair, blue eyes. Subject of Great Britain.

Sam'l. Cuthbertson 19 years of age, 6 feet 5 inches high, brown hair, blue eyes. Subject of Great Britain.

Frederick J. Smith 29 years of age, 5 feet 10 inches high, black hair, blue eyes, large scar on left cheek. Subject of Great Britain.

Thos. Mitchell Jr., 33 years of age, 5 feet 11 inches high, dark hair, dark eyes. Subject of Great Britain.

John Mitchell, 29 years of age, 5 feet 8½ inches high, dark hair, dark eyes. Subject of Great Britain.

Benjamin Mason, 40 years of age, 5 feet 11 inches high, light hair, light eyes and eyes. Subject of Great Britain.

William Rathwell, 29 years of age, 5 feet 8½ inches high, slightly built, brown hair, blue eyes. Subject of Great Britain.

Thos. Mitchell, Sr., 62 years of age, 5 feet 7½ inches high, dark hair, grey eyes. Subject of Great Britain.

Thos. Pearson, 29 years of age, 5 feet 10 inches high, hair, eyes. Subject of Great Britain.

Daniel Kelly, 29 years of age, 5 feet 10 inches high, hair, eyes. Subject of Great Britain.

Michael Fitzpatrick, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

R. Parrott, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

Victor Sommers, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

M. Krieger, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

George Zedler, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

Patrick Slattery, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

James H. Holmes, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

John Shaw, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

Joseph Leach, 29 years of age, 5 feet 10 inches high, hair and eyes. Subject of Great Britain.

